



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
OFFICE OF CONTROLLED SUBSTANCES

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

PUBLIC MEETING NOTICE:	CONTROLLED SUBSTANCE COMMITTEE
DATE AND TIME:	Wednesday January 24, 2018 at 9:00 a.m.
PLACE:	Buena Vista Conference Center, 2nd Floor, 661 S. DuPont Highway, New Castle, Delaware 19720
APPROVED:	March 28, 2018

MEMBERS PRESENT

Michael Kremer, DMD, Dental Representative, President
Joseph Parise, DO, Medical Representative
Jo Ann M. Baker, DNP, RN, FNP-C, Nursing Representative
Danielle Downs, VMD, Veterinary Representative
Alex Zarow, R.Ph., Pharmacy Representative
Herb E. Von Goerres, R.Ph., Pharmacy Representative

MEMBERS ABSENT

Stephen Ruggles, PA-C, PA Representative
Mark Hanna, Public Representative

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

David Mangler, Director, Division of Professional Regulation
Geoff Christ, Executive Director Office Controlled Substance, Drug Administrator
Eileen Kelly, Deputy Attorney General
Christine Mast, Administrative Specialist III
Jason Slavoski, PharmD, Pharmacist Administrator (PMP)
Michelle McCreary, R.Ph., Pharmacist Compliance Officer

ALSO PRESENT

Hooshang Shanehsaz
Tejal Patel
Cheryl Heiks
Elizabeth Lewis
Dan Griffith
Stacey Stewart

CALL TO ORDER

Mr. Kremer called the meeting to order at 9:03 am.

REVIEW AND APPROVAL OF MINUTES

A motion was made by Dr. Kremer, seconded by Mr. Von Goerres, to approve the minutes for November 29, 2017. The motion unanimously carried.

PRESIDENT'S REPORT

Dr. Kremer welcomed new committee members Dr. Joseph Parise and Dr. Danielle Downs.

UNFINISHED BUSINESS

§4762 Hypodermic syringe or needle; delivering or possessing; disposal; exceptions – Board of Pharmacy recommendation – this agenda item was discussed during the November 29, 2017 meeting. This item can be removed from the agenda.

Addressing Co-Prescription of Benzodiazepines and Opioids – this agenda item was discussed during the November 29, 2017 meeting. This item can be removed from the agenda.

Review of Statute § 4731 Rules; fees; Regulation 1.0 –

The committee discussed making the following proposed changes to regulation. Section 1.0 addresses the composition and operation of the Committee. This section should be revised to state that Committee members may serve up to three terms of three years each. Further proposed changes should state that Committee officers may serve for up to two one year terms, and all Committee members are appointed by the Secretary of State. Subsection 1.7, pertaining to quorum, currently provides that in disciplinary matters, at least one member of the quorum must be from the same profession as the practitioner who is the subject of the proceeding. This requirement can pose significant difficulties in hearing disciplinary matters in the event that a Committee member has a conflict requiring recusal. In that scenario, the Committee may be precluded from taking action with the result that a registrant who has violated laws and regulations pertaining to controlled substances may be insulated from discipline. The Committee is proposing that Section 1.7 be revised to remove this problematic language. Ms. Kelly will submit the proposed regulations changes to the registrar of regulations for publication March 1, 2018 and has asked that a hearing for proposed regulations changes be added to the March 28, 2018 agenda.

A motion was made by Mr. Von Goerres and seconded by Dr. Kremer to approve the proposed regulations changes as discussed. The motion carried.

NEW BUSINESS

Paul J Hannan, M.D. – Hearing Officer Recommendation – Ms. Kelly summarized the hearing officer recommendation for the committee. There were no written exceptions received. Ms. Kelly reviewed each of the violations noted in the hearing officer recommendation. The motion carried. Mr. Dan Griffith, Esq. addressed the Committee requesting to be heard. Ms. Kelly stated that the previous request for an extension of written comment was denied by the committee during the November 2017 meeting therefore, no comment could be heard today. Mr. Griffith stated he was not aware he could not address the committee today. Ms. Kelly stated that no argument could be heard at this time. Mr. Griffith conceded. The Committee discussed the findings of fact in the recommendation and their concerns. Deliberations began. A motion to revoke the controlled substance registration was made by Mr. Von Goerres and seconded by Dr. Parise. The motion carried.

DIRECTOR'S REPORT

Mr. Christ introduced himself and provided a brief summary of his career to the committee.

Case/Diversion Review

None

Current Events

Mr. Christ stated that there has been an increase in the illicit use of Gabapentin or Johnny as it is called on the street. This medication is easily available and being used in combination with Benzodiazepines and Opioids. Gabapentin does not show in urine screens. Kentucky has placed gabapentin as a schedule 5 and other states have added as a drug of concern so that tracking through the Prescription Monitoring Program (PMP). Mr. Christ suggested making Gabapentin a drug of concern.

PMP Review

Mr. Slavoski stated that the migration to the Appriss platform is now complete.

Mr. Slavoski provided some statistical information regarding users as follows:

7200+/- active approved users, 4500 have not logged in, 900 users not currently registered as required.

There are currently 15 states in the PMP Interconnect including Delaware they are: Arkansas, Connecticut, Colorado, Indiana, Maine, Maryland, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, and Virginia.

Mr. Slavoski stated that he is providing educational outreach based on risk scores through a report card reporting process through the program.

Review of Facility Application

Keystone Acquisition, LLC (OH) – A motion was made by Dr. Kremer, seconded by Mr. Von Goerres, to approve the application. The motion unanimously carried.

COMMITTEE REPORTS

Medical Examiner's Report

No Report

DEA Report

No report

Substance Abuse Report

No Report

Law Enforcement Report

No Report

Regulatory Committee Report

No Report

Legislative Committee Report

No Report

INSPECTION REPORT

Ms. McCreary provided the following report:

- 1 – Closing inspection of the Pill Box Pharmacy, Millsboro, De. with the DEA
- 3 – Opening Inspections Narcotic Treatment Centers
- 1 – Pending Inspection

Continuing Education Review

None

COMMITTEE CORRESPONDENCE

None

OTHER BUSINESS BEFORE THE BOARD

None

PUBLIC COMMENT

Mr. Shanehsaz stated that Gabapentin has been a concern in the pharmacy community. Its cheap and highly available.

Mr. Christ stated that the dosage producing a feeling of high and/or hallucination is 5-10 grams.

NEXT SCHEDULED MEETING

The next regular meeting will be held on March 28, 2018 at 9:00 am at the Buena Vista Conference Center, 1st Floor, Buck Library.

ADJOURNMENT

A motion was made by Dr. Kremer, seconded by Mr. Von Goerres, to adjourn the meeting at 10:28 am. The motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mast", with a stylized, cursive script.

Christine Mast
Administrative Specialist III
Office of Controlled Substances